

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Alfred D. Martin, Jr.,	)	
	)	
Plaintiff,	)	Civil Action No. 2:15-3615-TMC
	)	
vs.	)	<b>ORDER</b>
	)	
Pvt. Jones, et al.,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Plaintiff's complaint be summarily dismissed with prejudice and without issuance and service of process, and that the dismissal be counted as a strike under the "three strikes" rule of 28 U.S.C. § 1915(g). (ECF No. 31). Plaintiff was advised of his right to file objections to the Report. (ECF No. 31 at 11). Plaintiff, however, filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 11) as modified<sup>1</sup> and incorporates it herein. It is therefore **ORDERED** that Plaintiff's complaint is summarily **DISMISSED with prejudice** and without issuance and service of process, and that this dismissal is hereby **DEEMED** a strike under the "three strikes" rule of 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

April 5, 2016  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> The court declines to count the dismissal as a strike.